

REMARKS

With this Amendment, Claims 8-11 are canceled without prejudice. Claims 2 and 3 have been amended. After entry of the instant amendment, Claims 1-7 are pending. A marked-up copy of the amended claims is attached as Exhibit A (Claim Amendments: Version with Markings to Show Changes Made). For the Examiner's convenience a clean copy of all claims currently pending is attached as Exhibit B (Claim Amendments: Pending Claims After Entry of the Instant Amendment).

Applicants reserve the right to prosecute any canceled subject matter in one or more continuation, divisional or continuation-in-part applications.

I. THE AMENDMENTS TO THE CLAIMS

Claims 2 and 3 have been amended, without narrowing their scope, to correct dependency following cancellation of Claims 8-11. Amended Claims 2 and 3 are fully supported by Claims 2 and 3 as originally filed. Entry thereof is therefore respectfully requested.

II. ELECTION OF SPECIES

In response to the requirement to elect a single disclosed species, Applicants elect the species of a method of making cartilage, in which: (a) the biocompatible polymer is polyethylene oxide and dimethacrylate (POED); (b) the electromagnetic radiation is visible light; (c) the photoinitiator is erythrosin and (d) the cocatalyst is triethanolamine, to facilitate prosecution on the merits. Applicants believe Claims 1, 2, 4, 6 and 7 read on the elected species.

Applicants understand their election of species is being made solely to facilitate examination of the application and that they are entitled to consideration of additional species upon allowance of a generic claim.


CONCLUSION

Applicants submit that Claims 1-7 satisfy all of the criteria for patentability and are in condition for allowance. An early indication of the same and passage of Claims 1-7 to issuance is therefore kindly solicited.

Applicants believe no fee is due in connection with this response. However, the Commissioner is authorized to charge all required fees, fees under 37 C.F.R. §1.17 and all required extension of time fees, or credit any overpayment, to Pennie & Edmonds U.S. Deposit Account No. 16-1150 (order number 6261-227-999).

Respectfully submitted,

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Birgit Millauer (Reg. No.) 43,341
for Laura A. Coruzzi 30,742
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, NY 10036-2711
(212) 790-9090

EXHIBIT A

Claim Amendments: Version with Markings to Show Changes Made

2. (Twice amended) The method of Claim 1[, 8 or 9] wherein the electromagnetic radiation is selected from the group consisting of x-rays, ultrasound, infrared radiation, far infrared radiation, ultraviolet radiation, long-wavelength ultraviolet radiation, and visible light.
3. (Twice amended) The method of Claim 1[, 8 or 9] wherein the suspension further comprises a photoinitiator.